

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

MARK FULTZ,)	Case No.: 2:18-cv-00735-DCN
)	
Plaintiff,)	
)	
v.)	NOTICE OF REMOVAL
)	
FINCHER, PATRICK, WEIR, LLC,)	
BI-LO, LLC,)	
)	
Defendants.)	
_____)	

PLEASE TAKE NOTICE that Defendants Bi-Lo, LLC (“Defendant”), through undersigned counsel are this date filing a Notice of Removal in the Office of the Clerk of the United States District Court for the District of Charleston, thereby removing the said cause from the Court of Common Pleas for Charleston County, South Carolina, to said United States District Court, Charleston Division. The Court of Common Pleas for Charleston County, South Carolina should proceed no further, unless this case is remanded.

The above-captioned civil action, entitled *Mark Fultz v. Fincher, Patrick, Weir, LLC, Bi-Lo, LLC*, Case No.: 2018-CP-10-594, was commenced in the Court of Common Pleas for the County of Charleston, State of South Carolina, by the filing of a Summons and Complaint on the 6th day of February 2018, and by the service of a Summons and Complaint upon Defendant BI-LO, LLC. Defendant received the attached letter dated the 17th day of February 2018 from Plaintiff serving BI-LO, LLC’s Agent for Service of Process in South Carolina. This Notice is being filed with this Court within thirty (30) days of service. Copies of the Summons and Complaint filed in state court are attached hereto as Exhibit “A,” and copies of the Summons and Complaint served upon BI-LO, LLC are attached hereto as Exhibit “B.”¹ Defendant’s Notice of Removal is based upon the grounds stated herein, applicable law, and argument of counsel at a hearing on this matter.

The above-described action is a civil action of which this Court has original jurisdiction

¹ The filed Summons and Complaint do not appear to be identical copies of the Summons and Complaint served upon Defendant.

because under the provisions of 28 U.S.C. § 1331 district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States. Plaintiff's Complaint specifically seeks injunctive relief under the Americans with Disabilities Act, 42 U.S.C. § 12182. Therefore, pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over the subject-matter of this action because Plaintiff has alleged a violation of federal law. Accordingly, this case is one that may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

The undersigned has consulted with counsel for Defendant Fincher, Patrick, Weir, LLC and it consents to the removal. Pursuant to 28 U.S.C. § 1446 (d), written notice of this removal is being provided to Plaintiff through his attorney and to the Charleston County Court of Common Pleas.

s/Christy Ford Allen
Christy F. Allen (# 07549)
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ATTORNEYS FOR DEFENDANT BI-LO, LLC

CHARLESTON, SOUTH CAROLINA

March 16, 2018

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 16, 2018, copies of the attached pleading/discovery have been served upon the following via:

XX	United States Postal Service
XX	Electronic Mail

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s/Christy Ford Allen
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